

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

William Chunghun Sim, M.D.

**Physician's and Surgeon's
Certificate No. G72352**

Respondent

Case No. 800-2016-027839

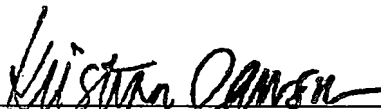
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 24, 2019.

IT IS SO ORDERED: April 26, 2019.

MEDICAL BOARD OF CALIFORNIA



Kristina D. Lawson, J.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
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9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 800-2016-027839

15 **WILLIAM CHUNGHUN SIM, M.D.**
16 **11480 Brookshire Ave # 200**
Downey CA 90241

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **Physician's and Surgeon's Certificate**
18 **No. G 72352**

19 Respondent.

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Tessa L. Heunis,
26 Deputy Attorney General.

27 2. Respondent William Chunghun Sim, M.D. (Respondent) is representing himself in
28 this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about August 26, 1991, the Board issued Physician's and Surgeon's Certificate No. G 72352 to William Chunghun Sim, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-027839, and will expire on April 30, 2019, unless renewed.

JURISDICTION

4. On or about December 11, 2018, Accusation No. 800-2016-027839 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about December 11, 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2016-027839 is attached as Exhibit A and incorporated herein by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and fully understands the charges and allegations in Accusation No. 800-2016-027839. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and all other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the complete truth of each and every charge and allegation in Accusation No. 800-2016-027839.

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9. Respondent agrees that his Physician's and Surgeon's Certificate No. G 72352 is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon it.

11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Board does not, in its discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

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1 **ADDITIONAL PROVISIONS**

2 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein
3 to be an integrated writing representing the complete, final and exclusive embodiment of the
4 agreements of the parties in the above-entitled matter.

5 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
6 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
7 signatures thereto, shall have the same force and effect as the originals.

8 14. In consideration of the foregoing stipulations, the parties agree that the Board may,
9 without further notice or opportunity to be heard by Respondent, issue and enter the following
10 Disciplinary Order:

11 **DISCIPLINARY ORDER**

12 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 72352 issued
13 to Respondent William Chunghun Sim, M.D. is revoked. However, the revocation is stayed and
14 Respondent is placed on probation for four (4) years from the effective date of the Decision on
15 the following terms and conditions:

16 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
17 completely from the personal use or possession of controlled substances as defined in the
18 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
19 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
20 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
21 illness or condition.

22 Within fifteen (15) calendar days of receiving any lawfully prescribed medications,
23 Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and
24 telephone number; medication name, strength, and quantity; and issuing pharmacy name, address,
25 and telephone number.

26 2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the
27 use of products or beverages containing alcohol.

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1 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar
2 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,
3 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
4 Respondent shall participate in and successfully complete that program. Respondent shall
5 provide any information and documents that the program may deem pertinent. Respondent shall
6 successfully complete the classroom component of the program not later than six (6) months after
7 Respondent's initial enrollment, and the longitudinal component of the program not later than the
8 time specified by the program, but no later than one (1) year after attending the classroom
9 component. The professionalism program shall be at Respondent's expense and shall be in
10 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

11 A professionalism program taken after the acts that gave rise to the charges in the
12 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
13 or its designee, be accepted towards the fulfillment of this condition if the program would have
14 been approved by the Board or its designee had the program been taken after the effective date of
15 this Decision.

16 Respondent shall submit a certification of successful completion to the Board or its
17 designee not later than fifteen (15) calendar days after successfully completing the program or not
18 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

19 4. PSYCHIATRIC EVALUATION. Within thirty (30) calendar days of the effective
20 date of this Decision, and on whatever periodic basis thereafter may be required by the Board or
21 its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
22 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, with experience
23 in addiction medicine, who shall consider any information provided by the Board or designee and
24 any other information the psychiatrist deems relevant, and shall furnish a written evaluation
25 report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date
26 of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent
27 shall pay the cost of all psychiatric evaluations and psychological testing.

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Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee.

5. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval the name and qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist with any information and documents that the psychotherapist may deem pertinent.

Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require Respondent to undergo psychiatric evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of probation, Respondent is found to be mentally unfit to resume the practice of medicine without restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the period of probation shall be extended until the Board determines that Respondent is mentally fit to resume the practice of medicine without restrictions.

Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where: 1) Respondent merely shares office space with another physician but is not affiliated for purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that location.

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1 If Respondent fails to establish a practice with another physician or secure employment in
2 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
3 Respondent shall receive a notification from the Board or its designee to cease the practice of
4 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
5 practice until an appropriate practice setting is established.

6 If, during the course of the probation, the Respondent's practice setting changes and the
7 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
8 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
9 If Respondent fails to establish a practice with another physician or secure employment in an
10 appropriate practice setting within sixty (60) calendar days of the practice setting change,
11 Respondent shall receive a notification from the Board or its designee to cease the practice of
12 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
13 practice until an appropriate practice setting is established.

14 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
15 days of the effective date of this Decision, Respondent shall provide to the Board the names,
16 physical addresses, mailing addresses, and telephone numbers of any and all employers and
17 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
18 worksite monitor, and Respondent's employers and supervisors to communicate regarding
19 Respondent's work status, performance, and monitoring.

20 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
21 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
22 privileges.

23 8. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
24 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
25 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
26 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
27 make daily contact with the Board or its designee to determine whether biological fluid testing is
28 required. Respondent shall be tested on the date of the notification as directed by the Board or its

1 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
2 any time, including weekends and holidays. Except when testing on a specific date as ordered by
3 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
4 basis. The cost of biological fluid testing shall be borne by the Respondent.

5 For the duration of the probationary term, up to four (4) years, Respondent shall be subject
6 to 36 to 104 random tests per year. Only if there have been no positive biological fluid tests in
7 the previous four (4) consecutive years of probation, may testing be reduced to one (1) time per
8 month. Nothing precludes the Board from increasing the number of random tests per year, from
9 36 to 104, to 52 to 104, for any reason.

10 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
11 approved in advance by the Board or its designee, that will conduct random, unannounced,
12 observed, biological fluid testing and meets all of the following standards:

13 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
14 Association or have completed the training required to serve as a collector for the United
15 States Department of Transportation.

16 (b) Its specimen collectors conform to the current United States Department of
17 Transportation Specimen Collection Guidelines.

18 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
19 by the United States Department of Transportation without regard to the type of test
20 administered.

21 (d) Its specimen collectors observe the collection of testing specimens.

22 (e) Its laboratories are certified and accredited by the United States Department of Health
23 and Human Services.

24 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
25 of receipt and all specimens collected shall be handled pursuant to chain of custody
26 procedures. The laboratory shall process and analyze the specimens and provide legally
27 defensible test results to the Board within seven (7) business days of receipt of the
28 specimen. The Board will be notified of non-negative results within one (1) business day

1 and will be notified of negative test results within seven (7) business days.

2 (g) Its testing locations possess all the materials, equipment, and technical expertise
3 necessary in order to test Respondent on any day of the week.

4 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
5 for the detection of alcohol and illegal and controlled substances.

6 (i) It maintains testing sites located throughout California.

7 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
8 computer database that allows the Respondent to check in daily for testing.

9 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
10 access to drug test results and compliance reporting information that is available 24 hours a
11 day.

12 (l) It employs or contracts with toxicologists that are licensed physicians and have
13 knowledge of substance abuse disorders and the appropriate medical training to interpret
14 and evaluate laboratory biological fluid test results, medical histories, and any other
15 information relevant to biomedical information.

16 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
17 while practicing, even if the Respondent holds a valid prescription for the substance.

18 Prior to changing testing locations for any reason, including during vacation or other travel,
19 alternative testing locations must be approved by the Board and meet the requirements above.

20 The contract shall require that the laboratory directly notify the Board or its designee of
21 non-negative results within one (1) business day and negative test results within seven (7)
22 business days of the results becoming available. Respondent shall maintain this laboratory or
23 service contract during the period of probation.

24 A certified copy of any laboratory test result may be received in evidence in any
25 proceedings between the Board and Respondent.

26 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
27 administered to himself or herself a prohibited substance, the Board shall order Respondent to
28 cease practice and instruct Respondent to leave any place of work where Respondent is practicing

1 medicine or providing medical services. The Board shall immediately notify all of Respondent's
2 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
3 provide medical services while the cease-practice order is in effect.

4 A biological fluid test will not be considered negative if a positive result is obtained while
5 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
6 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

7 After the issuance of a cease-practice order, the Board shall determine whether the positive
8 biological fluid test is in fact evidence of prohibited substance use by consulting with the
9 specimen collector and the laboratory, communicating with the licensee, his or her treating
10 physician(s), other health care provider, or group facilitator, as applicable.

11 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
12 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

13 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
14 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
15 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
16 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

17 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
18 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
19 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
20 any other terms or conditions the Board determines are necessary for public protection or to
21 enhance Respondent's rehabilitation.

22 Respondent shall notify the Board or its designee in writing at least five (5) calendar days
23 prior to any anticipated travel outside the United States. This written notification shall include
24 documentation verifying the purpose and the length of the international travel. Upon
25 Respondent's return to the United States following travel outside the United States, Respondent
26 shall not resume the practice of medicine until Respondent submits to and passes biological fluid
27 testing.

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1 9. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
2 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
3 prior approval, the name of a substance abuse support group which he or she shall attend for the
4 duration of probation. Respondent shall attend substance abuse support group meetings at least
5 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
6 abuse support group meeting costs.

7 The facilitator of the substance abuse support group meeting shall have a minimum of three
8 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
9 or certified by the state or nationally certified organizations. The facilitator shall not have a
10 current or former financial, personal, or business relationship with Respondent within the last five
11 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
12 the same facilitator does not constitute a prohibited current or former financial, personal, or
13 business relationship.

14 The facilitator shall provide a signed document to the Board or its designee showing
15 Respondent's name, the group name, the date and location of the meeting, Respondent's
16 attendance, and Respondent's level of participation and progress. The facilitator shall report any
17 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
18 or its designee, within twenty-four (24) hours of the unexcused absence.

19 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
20 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
21 probation.

22 A. If Respondent commits a major violation of probation as defined by section
23 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
24 one or more of the following actions:

25 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
26 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
27 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
28 order issued by the Board or its designee shall state that Respondent must test negative for at least

1 a month of continuous biological fluid testing before being allowed to resume practice. For
2 purposes of determining the length of time a Respondent must test negative while undergoing
3 continuous biological fluid testing following issuance of a cease-practice order, a month is
4 defined as thirty (30) calendar days. Respondent may not resume the practice of medicine until
5 notified in writing by the Board or its designee that he or she may do so.

6 (2) Increase the frequency of biological fluid testing.

7 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
8 other action as determined by the Board or its designee.

9 B. If Respondent commits a minor violation of probation as defined by section
10 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
11 one or more of the following actions:

12 (1) Issue a cease-practice order;

13 (2) Order practice limitations;

14 (3) Order or increase supervision of Respondent;

15 (4) Order increased documentation;

16 (5) Issue a citation and fine, or a warning letter;

17 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
18 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
19 Regulations, at Respondent's expense;

20 (7) Take any other action as determined by the Board or its designee.

21 C. Nothing in this Decision shall be considered a limitation on the Board's authority
22 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
23 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
24 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
25 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
26 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
27 is final, and the period of probation shall be extended until the matter is final.

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1 11. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
2 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
3 Chief Executive Officer at every hospital where privileges or membership are extended to
4 Respondent, at any other facility where Respondent engages in the practice of medicine,
5 including all physician and *locum tenens* registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
7 Respondent. Respondent shall submit proof of compliance to the Board or its designee within
8 fifteen (15) calendar days.

9 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

10 12. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
11 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
12 advanced practice nurses.

13 13. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
14 governing the practice of medicine in California and remain in full compliance with any court
15 ordered criminal probation, payments, and other orders.

16 14. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
17 under penalty of perjury on forms provided by the Board, stating whether there has been
18 compliance with all the conditions of probation.

19 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
20 the end of the preceding quarter.

21 15. GENERAL PROBATION REQUIREMENTS.

22 Compliance with Probation Unit

23 Respondent shall comply with the Board's probation unit.

24 Address Changes

25 Respondent shall, at all times, keep the Board informed of Respondent's business and
26 residence addresses, email address (if available), and telephone number. Changes of such
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no
28 circumstances shall a post office box serve as an address of record, except as allowed by Business

1 and Professions Code section 2021(b).

2 Place of Practice

3 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
4 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
5 facility.

6 License Renewal

7 Respondent shall maintain a current and renewed California physician's and surgeon's
8 license.

9 Travel or Residence Outside California

10 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
11 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
12 (30) calendar days.

13 In the event Respondent should leave the State of California to reside or to practice,
14 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the
15 dates of departure and return.

16 16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
17 available in person upon request for interviews either at Respondent's place of business or at the
18 probation unit office, with or without prior notice throughout the term of probation.

19 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
20 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting
21 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return
22 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine
23 as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a
24 calendar month in direct patient care, clinical activity or teaching, or other activity as approved by
25 the Board. If Respondent resides in California and is considered to be in non-practice,
26 Respondent shall comply with all terms and conditions of probation. All time spent in an
27 intensive training program which has been approved by the Board or its designee shall not be
28 considered non-practice and does not relieve Respondent from complying with all the terms and

1 conditions of probation. Practicing medicine in another state of the United States or Federal
2 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
3 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
4 considered as a period of non-practice.

5 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
6 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
7 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
8 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
9 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

10 Respondent's period of non-practice while on probation shall not exceed two (2) years.

11 Periods of non-practice will not apply to the reduction of the probationary term.

12 Periods of non-practice for a Respondent residing outside of California will relieve
13 Respondent of the responsibility to comply with the probationary terms and conditions with the
14 exception of this condition and the following terms and conditions of probation: Obey All Laws;
15 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
16 Controlled Substances; and Biological Fluid Testing..

17 18. COMPLETION OF PROBATION. Respondent shall comply with all financial
18 obligations (e.g., restitution, probation costs) not later than one-hundred-twenty (120) calendar
19 days prior to the completion of probation. Upon successful completion of probation,
20 Respondent's certificate shall be fully restored.

21 19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
22 of probation is a violation of probation. If Respondent violates probation in any respect, the
23 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
24 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
25 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
26 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
27 be extended until the matter is final.

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20. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

02/13/2019

WILLIAM CHUNGHUN SIM, M.D.
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: March 5, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



TESSA L. HEUNIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2016-027839

1 XAVIER BECERRA
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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO DEC 11 20 18
BY SUA PERSON ANALYST

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 800-2016-027839

15 **William Chunghun Sim, M.D.**
16 **11480 BROOKSHIRE AVE # 200**
DOWNEY, CA 90241

ACCUSATION

17 **Physician's and Surgeon's**
18 **Certificate No. G 72352,**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer
24 Affairs (Board).

25 2. On or about August 26, 1991, the Board issued Physician's and Surgeon's Certificate
26 No. G 72352 to William Chunghun Sim, M.D. (Respondent). The Physician's and Surgeon's
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will
28 expire on April 30, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“...”

5. Section 2234 of the Code, states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

“...”

“(f) Any action or conduct which would have warranted the denial of a certificate.

1 “...”

2 6. Section 2221 of the Code states:

3 “(a) The board may deny a physician’s and surgeon’s certificate to an applicant guilty
4 of unprofessional conduct or of any cause that would subject a licensee to revocation or
5 suspension of his or her license...”

6 “...”

7 7. Section 2236 of the Code states:

8 “(a) The conviction of any offense substantially related to the qualifications,
9 functions, or duties of a physician and surgeon constitutes unprofessional conduct within
10 the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction
11 shall be conclusive evidence only of the fact that the conviction occurred.

12 “...”

13 “(c) ... The division may inquire into the circumstances surrounding the commission
14 of a crime in order to fix the degree of discipline or to determine if the conviction is of an
15 offense substantially related to the qualifications, functions, or duties of a physician and
16 surgeon.

17 “(d) A plea or verdict of guilty or a conviction after a plea of *nolo contendere* is
18 deemed to be a conviction within the meaning of this section and Section 2236.1. The
19 record of conviction shall be conclusive evidence of the fact that the conviction occurred.”

20 8. Section 2239 of the Code states:

21 “(a) The use or prescribing for or administering to himself or herself, of any
22 controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or
23 of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to
24 the licensee, or to any other person or to the public, or to the extent that such use impairs
25 the ability of the licensee to practice medicine safely or more than one misdemeanor or any
26 felony involving the use, consumption, or self-administration of any of the substances
27 referred to in this section, or any combination thereof, constitutes unprofessional conduct.
28 The record of the conviction is conclusive evidence of such unprofessional conduct.

1 “(b) A plea or verdict of guilty or a conviction following a plea of *nolo contendere* is
2 deemed to be a conviction within the meaning of this section. The Medical Board may
3 order discipline of the licensee in accordance with Section 2227 or the Medical Board may
4 order the denial of the license when the time for appeal has elapsed or the judgment of
5 conviction has been affirmed on appeal or when an order granting probation is made
6 suspending imposition of sentence, irrespective of a subsequent order under the provisions
7 of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of
8 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
9 the accusation, complaint, information, or indictment.”

10 9. Section 493 of the Code states:

11 “Notwithstanding any other provision of law, in a proceeding conducted by a board
12 within the department pursuant to law ... to suspend or revoke a license or otherwise take
13 disciplinary action against a person who holds a license, upon the ground that the applicant
14 or the licensee has been convicted of a crime substantially related to the qualifications,
15 functions, and duties of the licensee in question, the record of conviction of the crime shall
16 be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the
17 board may inquire into the circumstances surrounding the commission of the crime in order
18 to fix the degree of discipline or to determine if the conviction is substantially related to the
19 qualifications, functions, and duties of the licensee in question.

20 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
21 ‘registration.’”

22 10. Unprofessional conduct under section 2234 of the Code is conduct which breaches
23 the rules or ethical code of the medical profession, or conduct which is unbecoming to a member
24 in good standing of the medical profession, and which demonstrates an unfitness to practice
25 medicine.¹

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28 ¹ *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of an Offense Substantially related to the Qualifications, Functions,**
3 **or Duties of a Physician and Surgeon)**

4 11. Respondent has subjected his Physician's and Surgeon's Certificate No. G 72352 to
5 disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in that
6 he has been convicted of an offense substantially related to the qualifications, functions, or duties
7 of a physician and surgeon, as more particularly alleged herein.

8 12. On or about November 5, 2016, at approximately 7:01 p.m., Respondent was
9 contacted by officers of the Newport Beach Police Department where he was found sitting in the
10 passenger seat of his car, which was stopped in the westbound lane of traffic on the 900 block of
11 West Bay Avenue, Newport Beach.

12 13. Respondent exhibited objective signs of alcohol intoxication and admitted to having
13 driven while under the influence of alcohol.

14 14. Respondent was arrested on drunk driving charges and provided a blood sample
15 which was later tested and found to contain a blood alcohol concentration of .21 percent.

16 15. On or about May 18, 2017, in the case entitled *People of the State of California vs.*
17 *William Chunghun Sim*, Superior Court of California, County of Orange, Case No. 16HM13634,
18 Respondent was convicted on his plea of guilty to one count each of violating California Vehicle
19 Code section 23152, subdivision (a) [driving while under the influence of alcohol], and section
20 23152, subdivision (b) [driving with .08% or more, by weight, of alcohol in one's blood], with
21 the enhancement that Respondent's blood alcohol concentration was .20 percent, or more, by
22 weight.

23 16. On the same date, Respondent was placed on three years informal probation on
24 various terms and conditions, including that he attend and complete a nine (9) month Level 2 First
25 Offender Alcohol Program, and Victim Impact Counseling.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 72352,
5 issued to Respondent William Chunghun Sim, M.D.;


6 2. Revoking, suspending or denying approval of Respondent William Chunghun Sim,
7 M.D.'s authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent William Chunghun Sim, M.D., if placed on probation, to pay
9 the Board the costs of probation monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11 DATED:

12 December 11, 2018


13 KIMBERLY KIRCHMEYER
14 Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California
18 Complainant

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